

Pro Se 7 (Rev. 12/16) Complaint for Employment Discrimination

## UNITED STATES DISTRICT COURT

for the

Northern District of Alabama

Western Division

2020 JAN -9 A 11:20

Case No.

7:20-CV-35-LSC  
(to be filled in by the Clerk's Office)

Anthony D. Eaton

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

National Older Worker Career Center

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Jury Trial: (check one) ☒ Yes ☐ No

## COMPLAINT FOR EMPLOYMENT DISCRIMINATION

## I. The Parties to This Complaint

## A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

|                    |                        |
|--------------------|------------------------|
| Name               | Anthony D. Eaton       |
| Street Address     | 180 County Rd 120      |
| City and County    | West Greene / Greene   |
| State and Zip Code | Alabama 35491          |
| Telephone Number   | 205-372-0696           |
| E-mail Address     | Devon840@bellsouth.net |

## B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

|                                  |  |
|----------------------------------|--|
| Name                             | National Older Workers Career Center (NOWCC) |
| Job or Title <i>(if known)</i>   |  |
| Street Address                   | 3811 North Fairfax Suite 900                 |
| City and County                  | Arlington                                    |
| State and Zip Code               | VA 22203                                     |
| Telephone Number                 | 703-558-4200                                 |
| E-mail Address <i>(if known)</i> |  |

**Defendant No. 2**

|                                  |  |
|----------------------------------|--|
| Name                             |  |
| Job or Title <i>(if known)</i>   |  |
| Street Address                   |  |
| City and County                  |  |
| State and Zip Code               |  |
| Telephone Number                 |  |
| E-mail Address <i>(if known)</i> |  |

**Defendant No. 3**

|                                  |  |
|----------------------------------|--|
| Name                             |  |
| Job or Title <i>(if known)</i>   |  |
| Street Address                   |  |
| City and County                  |  |
| State and Zip Code               |  |
| Telephone Number                 |  |
| E-mail Address <i>(if known)</i> |  |

**Defendant No. 4**

|                                  |  |
|----------------------------------|--|
| Name                             |  |
| Job or Title <i>(if known)</i>   |  |
| Street Address                   |  |
| City and County                  |  |
| State and Zip Code               |  |
| Telephone Number                 |  |
| E-mail Address <i>(if known)</i> |  |

**C. Place of Employment**

The address at which I sought employment or was employed by the defendant(s) is

|                    |                 |
|--------------------|-----------------|
| Name               | USDA/NRCS       |
| Street Address     | 218 Main Street |
| City and County    | Eutaw/Greene    |
| State and Zip Code | Alabama 35462   |
| Telephone Number   | 205-372-3271    |

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to *(check all that apply)*:

- ☒ Title VII of the Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 2000e-17 (race, color, gender, religion, national origin).

*(Note: In order to bring suit in federal district court under Title VII, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☒ Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634.

*(Note: In order to bring suit in federal district court under the Age Discrimination in Employment Act, you must first file a charge with the Equal Employment Opportunity Commission.)*

- ☒ Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117.

*(Note: In order to bring suit in federal district court under the Americans with Disabilities Act, you must first obtain a Notice of Right to Sue letter from the Equal Employment Opportunity Commission.)*

- ☐ Other federal law *(specify the federal law)*:

- ☐ Relevant state law *(specify, if known)*:

- ☐ Relevant city or county law *(specify, if known)*:

**III. Statement of Claim**

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. The discriminatory conduct of which I complain in this action includes *(check all that apply)*:

- ☐ Failure to hire me.
- ☒ Termination of my employment.
- ☐ Failure to promote me.
- ☐ Failure to accommodate my disability.
- ☐ Unequal terms and conditions of my employment.
- ☒ Retaliation.
- ☐ Other acts *(specify)*: \_\_\_\_\_

*(Note: Only those grounds raised in the charge filed with the Equal Employment Opportunity Commission can be considered by the federal district court under the federal employment discrimination statutes.)*

B. It is my best recollection that the alleged discriminatory acts occurred on date(s)  
May & June 2019

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C. I believe that defendant(s) *(check one)*:

- ☐ is/are still committing these acts against me.
- ☒ is/are not still committing these acts against me.

D. Defendant(s) discriminated against me based on my *(check all that apply and explain)*:

- ☒ race African American
- ☒ color Black
- ☐ gender/sex \_\_\_\_\_
- ☐ religion \_\_\_\_\_
- ☐ national origin \_\_\_\_\_
- ☒ age *(year of birth)* 1960 *(only when asserting a claim of age discrimination.)*
- ☒ disability or perceived disability *(specify disability)*  
Reactive Airway Disease

E. The facts of my case are as follows. Attach additional pages if needed.



I began employment (Eutaw Field Office, Eutaw, AL) with the National Older Workers Career Center (NOWCC) and the U.S. Department of Agriculture (USDA) joint employers March 4, 2019 part time as a Agriculture Conservation Experienced Service (ACES) non-federal enrollee. I retire from the USDA 01/03/2019, and was replaced by interim Dustin Potter 01/07/2019. Supervisor Mr. Greg Dansby had not monitored Potter's work between January and May. On May 06, 2019, supervisor Dansby sent a email appointing me Point of Contract (POC) interim/acting District Conservationist of the Eutaw Field Office. This appointment was in direct violation of the NOWCC/USDA work agreement, non federal employee managing a USDA Federal Office. On or about May 8, 2019, supervisor Greg Dansby learned Potter had not done work on 2019 Environmental Quality Incentive Program (EQIP) contracts. Dansby informed me that I would need to complete the work assigned to caucasian male Dustin Potter because his detail would end in a couple of days. I spoke out against Dansby demands and it made him angry and upset. Subsequently, supervisor Dansby assigned me a heavier workload, that was unrealistic, unreasonable and ahead of state EQIP program deadlines. Requesting weekly progress reports, not requiring the same of other white employees and of Potter. Scheduling a May 21, 2019 conference call to harass me in front of his area staff and other USDA employees. The conference call was a show of his authority and to make a example of me. Dansby send a email detailing me to the Linden Field Office three days May 14-16, and setting premature deadline of 05/31/2019 ahead of the NRCS state deadline of 06/27/2019 to have work complete in the Eutaw office. Allowing me only one day(the May 20<sup>th</sup>) to work in the Eutaw Office prior to his May 21<sup>st</sup>, conference call review. I was reprimanded for working over my allotted time 24 hours per week (Monday, Tuesday and Wednesday schedule). In addition, Dansby scheduled (by email) a 2019 EQIP office quality review on Thursday May 23<sup>rd</sup> a day he knew I did not work. Whereas, Dansby had not previously pressured and micro-managed Potter, nor was he reprimanded. Potter had been merely warming the seat for four months. On May 20, 2019, I made a protected internal complaint of race discrimination to Mr. Dansby to no avail he kept up his discriminatory practices. On May 23, 2019, I complained internally to Mr. Dansby supervisor Mr. Ben Malone -State Conservationist, Mrs. Shannon Weaver- ASTC and Mrs. Pamela Lewis-NOWCC ACES Recruiter seeking relief, no relief was rendered to Dansby's discriminatory practices. On June 12, 2019, I was terminated by way of Mrs. Lewis phone call and follow-up termination letter. The National Older Workers Career Center knew of the race discrimination by way of my complaint to Mrs. Pamela Lewis-NOWCC Recruiter. Dansby and Weaver sought out my termination through NOWCC, they compiled and is therefore complicit.

I make the claim that I was discriminated against due to my race African-American, my age 59, Disability- Reactive Airway Disease(RAD) and in Retaliation for making a protected internal complaint, in violation of the Title VII of the Civil Rights Act of 1964, as amended.

*(Note: As additional support for the facts of your claim, you may attach to this complaint a copy of your charge filed with the Equal Employment Opportunity Commission, or the charge filed with the relevant state or city human rights division.)*

#### IV. Exhaustion of Federal Administrative Remedies

- A. It is my best recollection that I filed a charge with the Equal Employment Opportunity Commission or my Equal Employment Opportunity counselor regarding the defendant's alleged discriminatory conduct on (date)

October 4, 2019

- B. The Equal Employment Opportunity Commission (check one):

☐

has not issued a Notice of Right to Sue letter.

☒ issued a Notice of Right to Sue letter, which I received on (date) 10/18/2019.  
 (Note: Attach a copy of the Notice of Right to Sue letter from the Equal Employment Opportunity Commission to this complaint.)

C. Only litigants alleging age discrimination must answer this question.

Since filing my charge of age discrimination with the Equal Employment Opportunity Commission regarding the defendant's alleged discriminatory conduct (check one):

☒ 60 days or more have elapsed.  
☐ less than 60 days have elapsed.

## V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Reinstatement to the Eutaw Field Office with \$8.50/ hour raise or Front Pay if cannot/will not rehire me, Attorney fees, court fees and costs, Clean Employment Record at NOWCC National Office, Restore Leave (annual & sick) retro-actively, Back Pay with interest retro-actively, Restore retro-actively Holiday or back pay holidays with interest, Compensatory and Punitive Damages (\$300000.00 for humiliation, inconvenience, loss of life enjoyment, emotional distress, loss of consortium and loss community standing ) Assign new ACES Monitor/Supervisor. I understand there is a new Supervisor at the Eutaw NRCS field office.

## VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

### A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing:

01/09/2020

Signature of Plaintiff



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Printed Name of Plaintiff Anthony D. Eaton

**B. For Attorneys**

Date of signing: 01/09/2020

Signature of Attorney \_\_\_\_\_

Printed Name of Attorney \_\_\_\_\_

Bar Number \_\_\_\_\_

Name of Law Firm \_\_\_\_\_

Street Address \_\_\_\_\_

State and Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

E-mail Address \_\_\_\_\_

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Anthony D. Eaton**  
**180 County Rd 120**  
**P O Box 55**  
**West Greene, AL 35491**

From: **Birmingham District Office**  
**Ridge Park Place**  
**1130 22nd Street**  
**Birmingham, AL 35205**



On behalf of person(s) aggrieved whose identity is  
 CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

**541-2019-03203**

**ALICIA E. MARTIN-SCHUTZ,**  
**Investigator**

**(205) 212-2072****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

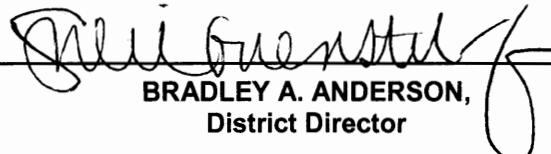
**- NOTICE OF SUIT RIGHTS -**

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS of your receipt of this notice**; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

  
**BRADLEY A. ANDERSON,**  
**District Director**

**OCT 18 2019**

(Date Mailed)

Enclosures(s)

cc:

**Caroline Espree**  
**Vice President, Human Resources and**  
**Administration**  
**NOWCC NATIONAL HEADQUARTERS**  
**3811 North Fairfax Drive**  
**Suite 900**  
**Arlington, VA 22203**

**Flint Liddon**  
**LIDDON LAW FIRM**  
**1330 21st Way S.**  
**Birmingham, AL 35205**